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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/964,180 11/04/97 HIGURASHI

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TM02/1108

EXAMINER

NGUYEN, L

ART UNIT

PAPER NUMBER

2612

DATE MAILED:

11/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/946,180

Applicant(s)  
Higurashi et al.

Examiner  
Luong Nguyen

Group Art Unit  
2612



☒ Responsive to communication(s) filed on Aug 14, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) 2, 3, 5, 7, 9, 10, 12, 14, 17, 19, 20, 22, 25, 27, and 28 are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 4, 6, 8, 11, 13, 15, 16, 18, 21, 23, 24, and 26 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Nov 4, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. Applicant's election without traverse of species as shown in figures 1-2 in Paper No. 10 filed on 8/14/2000 is acknowledged.

2. Claims 10, 20 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10 filed on 8/14/2000.

Further, claims 2-3, 5, 7, 9, 12, 14, 17, 19, 22, 25, 27 are also withdrawn from consideration for the reason below.

The examiner believes that claims 2-3, 14, 22 which claimed the feature "correct the image by using correction parameter in accordance with the brightness between the plurality of images", this feature is a claimed limitation in claims 10, 20, 28, is read on species of figures 14-17 as disclosed in specification pages 30-35. Species of figures 14-17 is a non-elected species. Therefore, claims 2-3, 14, 22 are withdrawn from consideration by the examiner.

Claims 5, 17, 25 which claimed the feature "changing the correction parameter in accordance with differences in image magnification between a plurality of images" is read on figure 13 as disclosed in specification page 30, which is of species of figures 6 and 13. Species of figures 6 and 13 is a non-elected species. Therefore, claims 5, 17, 25 are withdrawn from consideration by the examiner.

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Claim 7 which claimed the feature "color data is at least one of hue, saturation, and intensity" is read on figure 11 as disclosed in specification page 29, which is of species of figures 6 and 11. Species of figures 6 and 11 is a non-elected species. Therefore, claim 7 is withdrawn from consideration by the examiner.

Claims 9, 12, 19, 27 which claimed the feature "changing the correction parameter in accordance with differences in peripheral reduction light" is read on figure 9 as disclosed in specification pages 27-29, which is of species of figures 1 and 9. Species of figures 1 and 9 is a non-elected species. Therefore, claims 9, 12, 19, 27 are withdrawn from consideration by the examiner.

*Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

*Drawings*

4. The drawings are objected to because of the informalities below.

In figure 1, "image synthesizing section 6" should be changed to --image joining section 6-- in order to be consistent with the specification page 17.

In figure 19, the sign "X" of element 15 should be changed to --+--.

In figure 22, label of divider 25 is missing.

Correction is required.

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5. Figures 20-21, 23A, 23B, 23C are related to "Prior Art" figures 18-19 as disclosed in the background of the invention of the specification pages 1-10. Therefore, figures 20-21, 23A, 23B, 23C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Correction is required.

#### *Specification*

6. The disclosure is objected to because of the following informalities:

In the specification, page 4, line 14, "motor 9" should be changed to --monitor 7--.

Appropriate correction is required.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### *Claim Objections*

8. Claims 1, 4, 6, 8, 11 are objected to because of the following informalities:

In claim 1, lines 7-8, "a correction parameters" should be changed to --a correction parameter--;

In claim 1 (line 20), claim 4 (line 2), "correction means" should be changed to --correcting means--.

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In claim 11, line 4, "said correction parameters" should be changed to -- said correction parameter--;

Claims 4, 6, 8, 11 are objected as being dependent on claim 1.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>6</sup> of this title before the invention thereof by the applicant for patent.

10. Claims 1, 4, 6, 8, 13, 18, 21, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Komiya et al. (US 6,097,430).

Regarding claim 1, Komiya et al. disclose an image processing apparatus comprising image input means, disclosed as digital still camera 1 (figures 1-2, 23, column 5, lines 25-40); correction parameter setting means, disclosed as aberration calculating section 40 (figure 2, column 6, lines 14-24); image correcting means, disclosed as image correcting section 14 (figure 2, column 6, lines 3-24); image joining means, disclosed as image composition 3a (figure 2, column 6, lines 3-24); image display means, disclosed as monitor 4 (figure 2, column 5, lines 35-40).

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Regarding claim 4, Komiya et al. disclose the image correction means corrects the image by changing the correction parameter in accordance with the distortion of one image or in accordance with differences in distortion between a plurality of images displayed by said image display means (column 6, lines 26-59).

Regarding claim 6, Komiya et al. disclose the image correction means corrects the image by changing the correction parameter in accordance with differences in color data between a plurality of images displayed by said image display means ( column 7, lines 1-67).

Regarding claim 8, Komiya et al. disclose the color data is at least one of R, G and B values for adjusting a white balance (column 7, lines 20-67).

Claims 13, 18 are a method claim of the apparatus claims 1, 6, respectively. Therefore, claims 13, 18 are rejected for the reason given respect to claims 1, 6.

Claim 21 is considered equivalent to claim 13.

Claim 26 is considered equivalent to claim 18.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 11, 15-16, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya et al. (US 6,097,430).

Regarding claims 11, 15-16, 23-24, Komiya et al. disclose correction parameter storing means as distortion aberration correcting table 27 (figure 2, column 6, lines 13-23). Komiya et al. fail to specifically disclose storing one or plurality sets of said correction parameter in connection with the name of the imaging apparatus used to take the image, and said correction parameter setting means selects a desired set correction parameters from the correction parameter stored in said correction parameter storing means. However, Komiya et al. teach a table 27 which stores correction coefficients for distortion correction and outputs correction coefficients  $a_1$ ,  $a_2$  (column 6, lines 13-47). Komiya et al. also teach a plurality of images are picked up with one camera or it may take an image as different parts with the use of plurality of cameras (column 8, lines 53-59). Note that each camera has its own correction coefficients  $a_1$ ,  $a_2$ . It would have been obvious to store names of plurality of cameras corresponding with their correction coefficients in order to easy select a desired set of correction coefficients.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Richards et al. (US 5,276,519) disclose video capture apparatus for digitally compensating imperfections introduced by an optical system.

Yano et al. (US 5,646,679) disclose image combining method and apparatus.



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Yamaguchi et al. (US 5,818,527) disclose image processor for correcting distortion.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

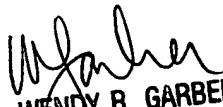
(703) 308-6306

**or:**

(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

LN LN  
11/02/2000

  
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